

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN DOE, §
Plaintiff, §
§
v. § Civil Action No. 4:21-cv-1356
§
THE UNIVERSITY OF TEXAS M.D. §
ANDERSON CANCER CENTER; THE §
UNIVERSITY OF TEXAS HEALTH §
SCIENCE CENTER AT HOUSTON; §
THE UNIVERSITY OF TEXAS AT §
HOUSTON POLICE DEPARTMENT; §
MARGARET MCNEESE; TIFFANY §
DILLARD OBENG; MICHAEL REDWINE; §
DEANA MOYLAN; SHERI WAKEFIELD; §
YOLAN A. CAMPBELL; KAREN D. §
(HARVEY) REED; VICKI L. KING; §
KIMBERLY D. MILLER; PATRICIA J. §
WILLIAMS; and all other affiliated §
JAKE/JANE DOES, §
Defendants. §

DEFENDANTS' NOTICE OF REMOVAL

Subject to and without waiving any arguments as to jurisdiction, standing, or capacity to be sued, Defendants, The University of Texas M.D. Anderson Cancer Center, The University of Texas Health Science Center at Houston, The University of Texas at Houston Police Department, Margaret McNeese, Tiffany Dillard Obeng, Michael Redwine, Deana Moylan, Sheri Wakefield, Yolan A. Campbell, Karen D. (Harvey) Reed, Vicki L. King, and Kimberly D. Miller (Collectively “Defendants”), file this, their Notice of Removal, and respectfully show:

- 1. Removal Provision:** This removal is based on claims arising under federal law, pursuant to 28 U.S.C. § 1441(a). Plaintiff attempts to allege federal law claims for monetary damages and prospective injunctive and/or equitable relief against each of the Defendants under 42 U.S.C. §

1983 for due process violations of the Fourth, Fifth, Fourteenth Amendments of the U.S. Constitution, equal protection violations of the Fourteenth Amendment of the U.S. Constitution, negligence, and conspiracy; violations of Title IX of the Education Amendments of 1972; of which the district courts of the United States have original jurisdiction. (Exhibit A, Plaintiff's Original Petition). Plaintiff also attempts to allege pendent state law claims for violations of Article I, Sections 3, 3A, 17, and 19 of the Texas Constitution; and conspiracy. (Ex. A).

2. State Action: This action was initially filed by Plaintiff, John Doe, in the 55th District Court of Harris County, Texas, on February 28, 2021, Cause No. 2021-11519. (Ex. A). Defendant The University of Texas M.D. Anderson Cancer Center was served with Plaintiff's Original Petition on March 24 2021. (Exhibit B, Citations of Service). All other served Defendants were served with citation on or after March 24, 2021. (Ex. B). Defendants filed their answers to Plaintiff's Petition on April 19, 2021 and April 21, 2021. (Exhibits C, Defendants' Original Answer; and D, Defendants' First Amended Answer).

3. Venue: On Plaintiff's allegations that "Plaintiff's causes of action arose from or are connected with one or more of Defendants' acts that occurred in whole or in part in Harris County, Texas," venue is proper in the United States District Court for the Southern District of Texas, Houston Division. (Ex. A).

4. Nature of the Lawsuit: Generally, Plaintiff, in his capacity of a medical student and an employee, attempts to allege violations of the U.S. and Texas Constitutions for denial of due process and denial of equal protection, gender discrimination under Title IX, conspiracy, and a taking of property, arising from an investigation of a complaint of sexual harassment by a female student and employee and a related criminal charge.

5. **Consent:** All served Defendants named in the suit have jointly removed this case and therefore consent to this removal. Upon information and belief, Defendant Patricia J. Williams has not been served with citation and has not answered or otherwise made an appearance in this cause.

6. **Removal Requirements of 28 U.S.C. §1441:** This action is a civil action raising federal questions of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441(a).

7. **Compliance with Deadline:** The earliest date of service of citation of Plaintiff's Original Petition on any Defendant was on March 24, 2021. (Ex. B). As such, Defendants have filed this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b), and this removal is timely.

8. **State Court Pleadings:** Defendants are filing concurrently with this notice, as required by 28 U.S.C. § 1446(a), a true and correct copy of all process and pleadings served upon Defendants in this state court action. Pursuant to Local Rule 81 of the U.S. District Court for the Southern District of Texas, a copy of the state court's docket sheet(s) is also filed herewith. (Exhibit E, State Court Docket Sheet).

9. **Jury Demand:** Plaintiff demanded a trial by jury in the state court action. (Ex. A).

10. Pursuant to Local Rule 81 of the U.S. District Court for the Southern District of Texas, a list of counsel of record is filed herewith.

WHEREFORE PREMISES CONSIDERED, Defendants hereby remove this action to the United States District Court Southern District of Texas, Houston Division, pursuant to 28 U.S.C. § 1441(a).

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN COWLES
Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT
Chief - General Litigation Division

/s/ *Jeffrey E. Farrell*
JEFFREY E. FARRELL
Texas Bar No. 00787453
Federal Bar No.: 16842
Assistant Attorney General
Office of the Attorney General
General Litigation Division - 019
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 463-2120
Facsimile: (512) 320-0667
jeffrey.farrell@oag.texas.gov

**ATTORNEY-IN-CHARGE FOR
DEFENDANTS**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served upon the following counsel of record *via* the Court's ECF system on the 23rd day of April, 2021:

Eddie M. Krenek
Tricia K. Krenek
21555 Provincial Blvd.
Katy, Texas 77450
edkrenek@kreneklaw.com
tkthompson@kreneklaw.com

/s/ Jeffrey E. Farrell

JEFFREY E. FARRELL
Assistant Attorney General